



UNITED STATES DEPARTMENT OF COMMERCE
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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 06/614,923 | 05/29/84 | GROHE | K BAYER-5844 |

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| EXAMINER | |
| TURNIPSEED, J | |
| ART UNIT | PAPER NUMBER |
| 1.29 | 13 |
| DATE MAILED: 09/06/86 | |

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 4/29/86 This action is made final.

A shortened statutory period for response to this action is set to expire 3 months, 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

| | |
|---|--|
| <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. Claims 1-15 and 24-32 are pending in the application.
Of the above, claim 32 is withdrawn from consideration.
2. Claims _____ have been cancelled.
3. Claims 5 and 12-15 are allowed.
4. Claims 1, 2 and 24 are rejected.
5. Claims 2, 4, 6-11 and 25-31 are objected to.
6. Claims _____ are subject to restriction or election requirement.
7. This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. The corrected or substitute drawings have been received on _____. These drawings are acceptable; not acceptable (see explanation).
10. The proposed drawing correction and/or the proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner. Disapproved by the examiner (see explanation).
11. The proposed drawing correction, filed _____, has been approved. Disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections **MUST** be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. Other

The references cited and supplied by applicants have been made of record.

Claims 1-15 and 24-32 remain in this case.

Claim 32 stands withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made without traverse in Paper No. 11. The cancellation of the claim is required.

Claim 24 is rejected under 35 U.S.C. 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim.

The claim depends from a cancelled claim.

Claims 1 and 3 are rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "B" as employed throughout the claims and specification is a distortion of the art recognized term. "B" is known in the art to represent boron, therefore, any other use of the term in chemical case is improper. Note MPEP 608.01(o). Applicants are therefore, required to cancel the term "B" from the specification and claims and to substitute a non-art recognized term therefor.

162

9/6/80
The term "nitrogen" is misspelled in claim 3, line 2 and the term "up" is misspelled in line 6. Correction is required.

The term "aralkyl", as employed in the definition of R⁴, renders the claims indefinite and readable on compounds not finding adequate support in the disclosure since the aryl portion reads on condensed ring systems not finding adequate support in the disclosure.

The second recitation of "R⁴" in claim 3 renders the claim indefinite since this definition appears to recite groups which have been previously recited. Note that "alkyl" and "phenyl" are recited two times in the definition of R⁴. If the second occurrence of the terms are intended as substituents attached to another group, then the claim should be rewritten for greater clarity.

Claims 2, 4, 6-11 and 25-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5 and 12-15 are allowed.

Claims 32 stand withdrawn.

Claims 1, 3 and 24 are rejected.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

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Serial No. 614923

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Art Unit 129

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Exr. J.H. Turnipseed at telephone number 703-557-7694.

qjt
JHTurnipseed:ce

8-28-86

Glen H. Hollrah
GLENNON H. HOLLRAH
SUPERVISORY PATENT EXAMINER
ART UNIT 129

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104